

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE	)	
COMPANY, et al.,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 05-11150-DPW
vs.	)	Hon. Judge Douglas P. Woodlock
	)	
ABBOTT LABORATORIES,	)	
	)	
Defendant.	)	
	)	

**STIPULATION AND PROPOSED ORDER REGARDING SUPPLEMENTAL BRIEFING  
ON PLAINTIFF'S CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT**

This stipulation is entered into by and between plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Manulife Insurance Company (f/k/a Investors Partner Life Insurance Company) (collectively "Hancock") and defendant Abbott Laboratories ("Abbott"), by and through their respective counsel of record, as follows:

WHEREAS, on July 17, 2006, Abbott filed a Motion to Dismiss Hancock's claim in Count II, ¶ 48(h) of its Supplemental Complaint seeking payment of one-third of the unspent Aggregate Carryover Amount pursuant to Section 3.3(b) of the parties' March 2001 Research Funding Agreement;

WHEREAS, on September 8, 2006, Hancock filed a Cross-Motion for Partial Summary Judgment on the same claim;

WHEREAS, on October 16, 2006, the Court issued an order setting a hearing date of December 6, 2006 on Abbott's Motion to Dismiss and Hancock's Cross-Motion for Partial Summary Judgment;

WHEREAS, on October 16, 2006, Abbott filed an opposition to Hancock's Cross-Motion for Partial Summary Judgment and a Conditional Motion for Continuance of Hancock's Cross-Motion for Partial Summary Judgment Pursuant to Rule 56(f) ("Rule 56(f) Motion");

WHEREAS, in its Rule 56(f) Motion, Abbott requested the opportunity, before the Court decided Hancock's Cross-Motion for Partial Summary Judgment, to depose certain witnesses involved in the negotiation and drafting of the March 13, 2001 Research and Funding Agreement (the "Agreement"), including Stephen Blewitt, Scott Hartz, Brewster Lee, Kevin Tormey, and Amy Weed, as well as the opportunity to file a supplemental brief addressing such evidence and why Abbott believes that it warrants the denial of Hancock's Cross-Motion;

WHEREAS, fact discovery in this matter is currently scheduled to end on December 15, 2006;

WHEREAS, since Abbott filed its Rule 56(f) Motion, the parties have cooperated for the purpose of giving Abbott the opportunity to depose the foregoing witnesses on or before November 17, 2006;

IT IS THEREFORE STIPULATED AND AGREED that:

(1) Abbott may file a supplemental memorandum in opposition to Hancock's Cross-Motion for Partial Summary Judgment on or before November 22, 2006, addressing only the evidence from the depositions taken after October 16, 2006;

(2) Hancock may file a supplemental reply memorandum in support of its Cross-Motion for Partial Summary Judgment on or before November 30, 2006, responding to the evidence and arguments in Abbott's supplemental opposition memorandum.

ABBOTT LABORATORIES

JOHN HANCOCK LIFE INSURANCE  
COMPANY, JOHN HANCOCK VARIABLE  
LIFE INSURANCE COMPANY and  
MANULIFE INSURANCE COMPANY

By its attorneys,

/s/ Michael S. D'Orsi  
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Dated: November 13, 2006

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2006

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United States District Court Judge

**CERTIFICATE OF SERVICE**

I, Michael S. D'Orsi, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 13, 2006.

/s/ Michael S. D'Orsi

Dated: November 13, 2006